

No. 83-635

Office Supreme Court, U.S.

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ALEXANDER L. STEVAS,

# In the Supreme Court of the United States

October Term, 1983

BOYD VEENKANT,

*Petitioner,*

vs.

JANNETTE L. (KUCZYNSKI) COOK; Attorney DON-  
ALD WILLIAM SARGENT; Attorney NOEL L. LIPP-  
MAN; Attorney HOWARD S. SIEGRIST; 37th District  
Court Judge SHERMAN P. FAUNCE,

*Respondents.*

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT  
OF APPEALS FOR THE SIXTH CIRCUIT

## MEMORANDUM OPPOSING CERTIORARI

PLUNKETT, COONEY, RUTT, WATTERS,  
STANCZYK & PEDERSEN

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**MEMORANDUM OPPOSING CERTIORARI**

Petitioner brings this *pro se* federal Civil Rights Act case for the purported violation of his alleged rights when a state court of limited jurisdiction, the 37th Michigan Judicial District Court, dismissed Petitioner's underlying claims for fraud and tortious conversion of property. Petitioner sued Respondent attorney Donald William Sargent, *inter alia*, alleging that Respondent acted fraudulently as an attorney in representing another Respondent, Jannette L. Cook (Kuczynski), in defense of the fraud and conversion claims. Since Petitioner's Civil Rights Act case was filed in the United States District Court for the Western District of Michigan, and since all the facts rele-

vant to this action arose out of the venue of the United States District Court for the Eastern District of Michigan, including the fact that all Respondents resided in the Eastern District of Michigan, the United States District Court for the Western District of Michigan, Honorable Richard A. Enslen, dismissed Petitioner's claim pursuant to 28 USC §1391(b) and 28 USC §1406(a).

The trial court noted specifically in its February 4, 1983 opinion that it was not "in the interest of justice" that the court transfer the case to the United States District Court for the Eastern District of Michigan because the applicable statutes of limitations clearly barred the action against Respondent Sargent even as of the date of filing the federal case in the United States District Court for the Western District of Michigan (Petitioner's Appendix, A-42; Trial Court Opinion, pp. 8-9).

The United States Court of Appeals for the Sixth Circuit summarily dismissed Petitioner's appeal, noting that it was "frivolous", "lacking in merit", and "utter nonsense" (Petitioner's Appendix B-44-45). Additionally, observing a "pattern of frivolous litigation perpetuated by plaintiff", the United States Court of Appeals for the Sixth Circuit awarded double costs and just attorney fees to Respondents, pursuant to FRAP 38 (Petitioner's Appendix B-45).

As correctly noted by the previously mentioned courts, there is no question but that venue was improperly laid in the United States District Court for the Western District of Michigan, and that due to the expiration of the applicable statutes of limitations at the time of filing the within action, it was not "in the interest of justice" to transfer this case to the United States District Court for the Eastern District of Michigan.

Therefore, the Petition for Writ of Certiorari should be denied.

Respectfully submitted,

PLUNKETT, COONEY, RUTT, WATERS,  
STANCZYK & PEDERSEN

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DATED: November 7, 1983